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6    **UNITED STATES DISTRICT COURT**

7    **DISTRICT OF NEVADA**

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9    RICKIE SLAUGHTER,

10           Petitioner,                              Case No. 3:16-cv-00721-RCJ-WGC

11   vs.                                              **ORDER**

12   RENEE BAKER, et al.,

13           Respondents.

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15           Petitioner has filed an unopposed motion for extension of time (third request) (ECF No. 12),
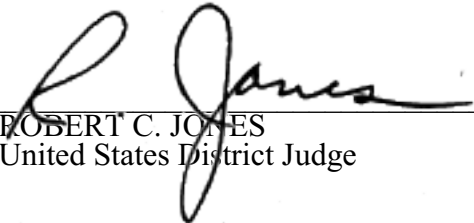
16   which the court grants.

17           Currently before the court are petitioner's first amended petition (ECF No. 14) and motion

18   for leave to conduct discovery and for court order to obtain documents and depositions (ECF No.

19   28).  Respondents oppose the discovery motion (ECF No. 29), and petitioner has replied (ECF No.

20   30).

21           The court finds that petitioner has shown good cause for the five requests for discovery, for

22   the reasons stated in petitioner's motion.  Additionally, the court is not persuaded by respondents'

23   argument that the request is premature because under 28 U.S.C. § 2254(d)(1) and Cullen v.

24   Pinholster, 563 U.S. 170 (2011), the court's review is limited to the record before the state court.  If

25   petitioner can persuade the court that the state courts unreasonably applied federal law, then

26   Pinholster and § 2254(d)(1) would not apply.  If petitioner learns facts that lead to him presenting

27   new claims, and if this court needs to consider those claims on their merits, then Pinholster and

28   § 2254(d)(1) would not apply.

1      IT IS THEREFORE ORDERED that petitioner's unopposed motion for extension of time

2  (third request) (ECF No. 12) is **GRANTED**.

3      IT IS FURTHER ORDERED that petitioner's motion for leave to conduct discovery and for

4  court order to obtain documents and depositions (ECF No. 28) is **GRANTED**.  Discovery shall be

5  completed within sixty (60) days from the date on which this Order is entered.  Petitioner shall have

6  thirty (30) days from the completion of discovery to file and serve any appropriate motion.

7      DATED THIS   20th day of November, 2017.

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10  ROBERT C. JONES
   United States District Judge